

REMARKS

Claims 28, 32, 36, 37, 40 and 43 have been amended. No claims have been cancelled, and no new claims have been added. Claims 1-27 have been withdrawn. Claims 28-44 are pending.

Claim Rejections - 35 USC § 102(e)

The Examiner rejected claims 28-44 under 35 USC § 102(e) as anticipated by Hollis (US 6,804,777). This rejection is respectfully traversed.

Regarding claims 28 and 32, the Office Action asserts that the claimed first computing device is taught by the user workstation (not numbered) shown in Fig. 2 and that the first network is taught by element 270, the external resource. However, Hollis explicitly states that “The external resource may be a server application program.” (Hollis, col. 5, line 6) Moreover, as shown in the drawings, the external resource 370 and target resource 460 are both depicted using a graphic typically used for a disk drive. Whether element 370 is an application program or a disk drive, neither teach a network as claimed. As such, the external resource of Hollis fails to teach the claimed first network.

The Office Action then asserts that “the second network is the connection going towards the external resource”. It appears that the Office Action is asserting either that the attachment of a peripheral to a user workstation teaches a computing device coupled to a network or that somehow the user work station accessing a server application program teaches a computing device coupled to a network. These alternatives are based on how Hollis uses the term external resource as described above. In either case, this is confusing. Please clarify.

Claim 28 recites “a second computing device having a network device included therein, the network device coupled to a second network”. The Office Action fails to assert that the channel gateway includes a network device. It is unclear which element of the channel gateway of Hollis is asserted to teach the claimed network device. The Office Actions fails to direct us to a location in Hollis teaching that the channel gateway includes a network device.

Because of the confusion explained in the prior two paragraphs, the Office Action is defective. Therefore, we request that a new Office Action be issued to cure this deficiency.

The Office Action asserts that “forwarding to the first computing device” is taught by Hollis at col. 8, lines 55-67. However, this portion of Hollis describes how components of the channel gateway 350 forward messages to other components of the channel gateway. Specifically, the “Channel Receiver 310 then forwards the decrypted message traffic 34, 360 to a Server Listener 340 connected to a Server Application 320, or an external resource 370”. There is no mention of communicating with or forwarding to the user workstation which the Office Action asserts teaches the claimed first computing device. Moreover, claim 28 recites “forwarding to the first computing device via the communication channel incoming data units received by the network device”. The Office Action fails to show which element of Hollis teaches the network device receiving the data units which are forward to the first computing device. To the extent claims 32 has a similar limitation, this argument also applies to claim 32.

The Office Action asserts that “receiving from a first computing device via the communication channel outgoing data unit requests to send outgoing data units onto the second network via the network device” is taught at col. 8, lines 37-46 of Hollis. However, this portion of Hollis states only that FIG. 3A of Hollis “shows a Channel Gateway 300 on a remote server for processing incoming messages to a server and FIG. 3B shows a Channel Gateway 350 on a remote server for processing incoming messages to a resource external to the server.” There is no teaching of receiving “outgoing data unit requests to send outgoing data units” as claimed. There is no teaching that messages are received from user workstations. There is no teaching of outgoing data unit requests that specify that outgoing data units should be sent onto the second network via the network device. As such, this portion of Hollis in no way teaches “receiving from a first computing device via the communication channel outgoing data unit requests to send outgoing data units onto the second network via the network device” as recited in claim 28. To the extent claim 32 has a similar limitation, this argument also applies to claim 32.

Because Hollis fails to teach each of the claimed limitations, claims 28 and 32 are patentable over Hollis. Moreover, all claims depending on claims 28 and 32 are patentable over Hollis by virtue of their dependency on claims 28 and 32. Thus, claims 28-35 are patentable over Hollis.

Regarding claims 36, 39 and 42, the Office Action improperly addresses these claims as a group. Claim 39 is directed to a network testing system that includes a network card. Claims 36 and 42 do not recite a network testing system that includes a network card. As such, claim 39 should not be evaluated with claims 36 and 42.

As to claim 36, this claim has been amended and recites a “method for allowing a first computing device to access the capabilities of a network device included in a second computing device via a virtual interface”. However, the Office Action fails to assert that Hollis teaches a network device as claimed. For this reason, the Office Action is defective. Therefore, we request that a new Office Action be issued to cure this deficiency.

Moreover, we assert that Hollis does not teach a network device included in a second computing device as recited in claim 36. Because Hollis fails to teach each of the claimed limitations, claim 36 is patentable over Hollis. Moreover, all claims depending on claim 36 are patentable over Hollis by virtue of their dependency on claim 36. Thus, claims 36-38 are patentable over Hollis.

Moreover, claim 37 as amended recites among other limitations receiving “outgoing data unit requests from the first computing device”. But the Office Action fails to assert that a computing device sends or receives the claimed “outgoing data unit requests”. Therefore, claim 37 is also patentable over Hollis for this additional reason.

As to claim 39, the Office Action fails to assert that Hollis teaches a network testing system as claimed. For this reason, the Office Action is defective. Therefore, we request that a new Office Action be issued to cure this deficiency.

Moreover, we assert that Hollis does not teach a network testing system as recited in claim 39. Because Hollis fails to teach each of the claimed limitations, claim 36 is patentable over Hollis. Moreover, all claims depending on claim 36 are patentable over Hollis by virtue of their dependency on claim 36. Thus, claims 36-38 are patentable over Hollis.

As to claim 42, claim 42 recites a method performed by a network card. The Office Action fails to assert that Hollis teaches a network card as claimed. For this reason, the Office Action is defective. Therefore, we request that a new Office Action be issued to cure this deficiency.

Moreover, we assert that Hollis does not teach a network card as recited in claim 42. Because Hollis fails to teach each of the claimed limitations, claim 42 is patentable over Hollis. Moreover, all claims depending on claim 42 are patentable over Hollis by virtue of their dependency on claim 42. Thus, claims 42-44 are patentable over Hollis.

Claim Rejections - 35 USC § 103(a)

The Examiner rejected claims 38, 41 and 44 under 35 USC § 103(a) as rendered obvious by Hollis in view of Summers (7,124,189). This rejection is respectfully traversed.

Claims 38, 41 and 44 are patentable over Hollis for the reasons set forth above regarding the § 102 anticipation rejection. Summers does not cure the deficiencies of Hollis. Therefore, claims 38, 41 and 44 are patentable over the combination of Hollis and Summer.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,



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